IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLIATION NO.44 OF 1999

Kastura Janardhan Gaikwad
R/o.Khandobacha Mal, Talegaon
Dabhade, Tal:Maval, Dist:Pune. Petitioner/
(Orig.Complainant)

V/s.

1. Popat Shivram Dabhade
R/o.412, Shukrawar Peth, Talegaon
Dabhade, Tal:Maval, Dist:Pune.

2. The State of Maharashtra. Respondents/
(Res.No.1/Orig.accd.)

None for petitioner.
Shri.S.R. Shinde APP for the State.

CORAM : V.M. KANADE, J.

DATED : 12/01/2007

ORAL JUDGMENT:-

1. None appears on behalf of the petitioner.

2. This criminal revision application is filed by the petitioner/original complainant challenging the order of acquittal which is passed by 2nd Additional Sessions Judge, Pune, dated 24th

November, 1998.

3. It is an admitted position that no appeal has been filed by the State against the order of acquittal. I have perused the judgment and order passed by the Sessions court. Scope of power of High Court while exercising its revisional jurisdiction U/s.401 of Cr.P.C. is very limited, particularly when in cases where revision application is filed by the original complainant and no appeal has been preferred by the State and in such cases only if it is brought to the notice of the High Court that there is manifest error committed by the trial court or if there is material irregularity in the procedure which is followed by the trial court, matter can be remanded for re-trial or rehearing. After having perused the judgment and order passed by the Sessions Court I do not see any infirmity in the said order. Criminal revision application is, accordingly dismissed.

V.M. KANADE J.